

DRAFT MEMORANDUM OF UNDERSTANDING
between
The National Institute of Standards and Technology
and
The National Cooperation for Laboratory Accreditation
June 1, 2000

Preamble

The National Institute of Standards and Technology (NIST) of the U.S. Department of Commerce and the National Cooperation for Laboratory Accreditation (NACLA) hereby state their commitment to develop and maintain a system in the U.S. that will (a) recognize competent laboratory accreditation bodies to accredit testing and calibration laboratories when the services of such laboratories are required to demonstrate compliance with procurement, regulatory, or other requirements of government at all levels – Federal, state, and local - and to meet the needs of the private sector, (b) promote the use by government and the private sector of such accreditation bodies, and (c) recognize competent laboratory accreditation bodies to carry out specific activities in support of NIST in its role as a designating authority under government-to-government mutual recognition agreements in the area of conformity assessment activities.

1.0 Purpose

- 1.1 NIST and NACLA agree on the need for a coordinated national approach to the accreditation of calibration and testing laboratories to eliminate redundancy and complexity in the development and promulgation of conformity assessment requirements and measures by government at all levels and by the private sector.
- 1.2 NIST and NACLA agree on the need for a coordinated national approach to the accreditation of calibration and testing laboratories to support government-to-government trade agreements.
- 1.3 NIST and NACLA recognize the need for improved communication between and within the private and public sectors on conformity assessment requirements and practices and the need for affected U.S. government agencies at all levels to contribute to the development, implementation, and use of a system that reduces redundancy and complexity (to the maximum extent possible) while still meeting procurement, regulatory, and other requirements.

2 NIST Responsibilities

- 2.1 In accordance with its responsibilities under the National Technology Transfer and Advancement Act of 1995, NIST will continue to coordinate conformity assessment activities of Federal, state, and local entities with those of the private sector and will strive to eliminate unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and

measures. NIST will encourage government agencies at all levels to accept the use of laboratory accreditation bodies recognized by NACLA when testing and calibration services are required to demonstrate compliance with procurement, regulatory, or other requirements of the U.S. Federal Government and of state and local governments. NIST will work with other U.S. Federal agencies to ensure that agency-unique accreditation requirements are understood by NACLA and incorporated to the extent possible in targeted evaluations by NACLA to minimize duplication and inefficiency in laboratory accreditation activities. NIST intends to use the provisions of this Memorandum of Understanding (MOU) to ensure that NACLA recognition fulfills the needs of agencies in this area, through the verification process referred to in Article 3.1 of this MOU.

- 2.2 Under the provisions of Section 286.2(b)(3) of Title 15 of the U.S. Code of Federal Regulations, NIST has determined after public consultation that recognition of laboratory accreditation bodies by NACLA provides a suitable alternative to direct NIST recognition under National Conformity Assessment Systems Evaluation (NVCASE) procedures, and thus NIST intends to use the provisions of this MOU to ensure that NACLA recognition fulfills requirements of the international agreements and arrangements set forth in Articles 2.3 and 2.4 below. Appendix A¹ of this MOU lists specific technical requirements for each of these agreements and arrangements.
- 2.3 In furtherance of NIST's role in carrying out its responsibilities as a designating authority, NIST will accept NACLA recognition of the competence of laboratory accreditation bodies located in the United States to accredit testing laboratories to meet the technical requirements for their acceptance by European Community Member State governments under the Electromagnetic Compatibility (EMC) Annex of the Agreement on Mutual Recognition between the United States of America and the European Community. Individual laboratories located in the United States and accredited by a NACLA-recognized laboratory accreditation body accepted by NIST may apply to NIST for designation as Conformity Assessment Bodies (CABs) under the Agreement, subject to the terms and conditions of the Agreement.
- 2.4 Section 5.3 of the Inter-American (CITEL) Mutual Recognition Agreement for Conformity Assessment of Telecommunications Equipment and Section 5.3 of the Asia-Pacific Economic Cooperation Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment empower NIST, as a Designating Authority, to appoint accreditation bodies located in the United States to accredit laboratories that may then be designated by NIST as Conformity Assessment Bodies (CABs) for specified scopes of activity. Whenever a laboratory accreditation body located in the United States obtains recognition by NACLA in a technical area that permits the laboratory accreditation body to accredit laboratories to conduct tests to assess conformance to specific legal, regulatory, and

¹ Appendices A, B and C are integral parts of this Memorandum of Understanding.

administrative requirements covered under either the CITEL Agreement or the APEC Arrangement, and upon application to NIST documenting NACLA recognition, NIST will appoint that body to be an accreditation body under the relevant framework. NIST shall promptly withdraw the appointment should the laboratory accreditation body cease to be recognized by NACLA in the relevant technical area. Individual laboratories located in the United States and accredited by a laboratory accreditation body that has been appointed by NIST under this section may apply to NIST for designation as CABs under the CITEL Agreement and/or the APEC Arrangement, subject to the terms and conditions of each.

- 2.5 NIST will encourage laboratory accreditation bodies, including those bodies whose services are used by Federal, state, and local government for procurement, regulatory, trade, or other support purposes, to seek NACLA recognition.
- 2.6 NIST representatives will participate as appropriate in the activities of NACLA.
- 2.7 NIST representatives will inform NACLA of developments and changes in Federal, state, and local government policy with regard to laboratory accreditation, in a reasonable timeframe whenever NIST becomes aware of such new developments and changes.

3 NACLA Responsibilities

- 3.1 NACLA has developed and implemented a program for recognizing competent laboratory accreditation bodies through the use of accepted international standards and guides and operates in compliance with relevant national and international standards and guides. NACLA will continue to conduct this program and will submit to periodic third party assessments as deemed necessary by the Director of NIST Technology Services to verify that NACLA recognition of laboratory accreditation bodies is carried out in conformance with the criteria in Appendix B of this MOU. The NIST verification process is outlined in Appendix C. NACLA will maintain integrity and impartiality in the way it applies relevant standards and guides and judges conformity to them, and will not show undue preference for one competent laboratory accreditation body versus another. In addition, NACLA will, in consultation with and with the approval of the Director of NIST Technology Services, establish impartial and objective procedures and policies for the resolution of appeals made against NACLA recognition decisions. These procedures may include the use of Alternative Dispute Resolution as appropriate.
- 3.2 NACLA will encourage the private sector to specify the use of laboratory accreditation bodies recognized by NACLA when testing and calibration services are required to demonstrate compliance with procurement, regulatory, trade, or other requirements.
- 3.3 NACLA will encourage laboratory accreditation bodies, including those whose services are used by the private sector to demonstrate compliance with

procurement, regulatory, trade, or other requirements, to seek NACLA recognition.

- 3.4 Building on the existing NACLA program for recognizing competent laboratory accreditation bodies through the use of accepted international standards and guides, NACLA will evaluate the competence of laboratory accreditation bodies to accredit testing and calibration laboratories to meet the legal, regulatory, and administrative requirements necessary for their acceptance by foreign governments under the provisions of those agreements and arrangements specified in Articles 2.3 and 2.4 of this MOU.
- 4.0 Officials of NIST and NACLA will meet at least annually to review this MOU, cooperative efforts of the previous year, and plans for the coming year.
- 5.0 This MOU will remain in effect for a period of 5 (five) years from the date of the last signature below. It may be extended for additional periods by mutual agreement of the two parties. It may be amended by agreement of the two parties or terminated with 30 (thirty) days written notice by either party.

Original signed by:

Original signed by:

Donald Heirman
President, NACLA

Richard F. Kayser
Director, Technology Services

Date:

Date: